

Application No.: 09/663,363  
Amendment dated: November 18, 2005  
Reply to Office Action of: May 18, 2005

### **REMARKS**

By the foregoing amendments, claims 1, 9, 16, 18, and 21 have been amended. In view of these amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all the outstanding rejections and that they be withdrawn.

#### **35 U.S.C. §103 Rejection**

The present Office Action rejected Claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. (U.S. Patent No. 5,873,108) in view of Koyabu et al. (U.S. Patent No. 6,026,333) in view of Conmy et al. (6,101,480).

#### **Independent Claims 1 and 16**

With respect to independent Claims 1 and 16, embodiments of the presently claimed invention disclose a method of automating categorization of data and instructions for implementing that method.

The claimed embodiments of independent claims 1 and 16 pertain to a method and instructions for implementing the method for automating the categorization of data on a handheld computer. Specifically, embodiments of the present invention recite that a default data category is set based upon a clock time of day (clock TOD), a day of the week, and a time of day profile (TOD profile) that is referenced. That is, the TOD profile correlates' clock time information and day of week information with a data category that is used as a default category. In particular, at least one data category in the handheld computer is associated with a block of time corresponding to two or more days of the week. For example, a business data category may include a block of time from 9:00 a.m. to 5:00 p.m. on Monday through Friday of a week.

The Goyal et al. reference simply teaches a personal information manager with an information entry that allows for intermingling of items belonging to different categories within a single unified view. The Koyabu et al. reference teaches a data utilizing system that categorizes and tabulated existing records b y a time period (e.g., a period of months) and a categorization rule in order to analyze trends in the market and in commercial goods based on the

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existing records. The Conmy et al. reference teaches an electronic calendar with group scheduling and automated scheduling techniques for coordinating conflicting schedules.

Applicant respectfully notes that the Goyal et al. reference in view of the Koyabu et al. and the Conmy et al. references do not suggest, teach, nor comprise the present invention as claimed in independent claims 1 and 16, in which a default data category in a handheld computer is set based upon a clock TOD, day of week, and a TOD profile, wherein data categories can include a block of time corresponding to two or more days.

As recognized in the office action, the Goyal et al. and Koyabu et al. references do not explicitly disclose the present invention that is used for accessing stored data in a handheld computer and for storing entered data in the computer in a default data category determined by time of day (determined by a real-time clock), day of week, and a time of day profile. More particularly, Applicant respectfully submits that the Goyal et al. reference and the Koyabu et al. references, alone or in combination, fail to teach, suggest, or disclose setting a default data category in a handheld computer based upon a time of day (determined by a real-time clock), a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days.

Moreover, Applicant respectfully submits that the Conmy et al. reference fails to overcome the shortcomings of the Goyal et al. and Koyabu et al. references. Specifically, the Conmy et al. reference teaches an electronic calendar for referencing a time of day profile that correlates clock time of day information and day of week information with data categories on electronic calendar, wherein at least one data category is associated with a block of time corresponding to two or more two days of the week. However, the Conmy et al. reference is not directed to a handheld computer, as is presently claimed.

Thus, the Goyal et al. reference taken alone or in combination with the Koyabu et al. and the Conmy et al. references, does not suggest or teach setting a default data category based upon a clock time of day, a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days, as is recited in independent claims 1 and 16.

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Accordingly, Applicant respectfully submits that independent claims 1 and 16 are distinct over the Examiner's basis for rejection. As such, claims 2-8 which depend on independent claim 1, and claims 17-20, which depend on independent claim 16, are also in a condition for allowance by virtue of their dependency on allowable base claims.

#### Independent Claims 9 and 21

Independent claims 9 and 21 recite similar limitations as the limitation discussed in the arguments urged above with respect to independent claims 1 and 16. For analogous reasons set forth in that response, it is respectfully submitted that independent claims 9 and 21 are not rendered obvious over the Goyal et al. reference in view of the Koyabu et al. and the Conmy et al. references. Specifically, the Goyal et al. reference taken alone or in combination with the Koyabu et al. and Conmy et al. references does not teach, suggest, or disclose setting a default data category based upon a current time of day, day of week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days.

As such, allowance of independent claims 9 and 21 is respectfully submitted. Also, claims 10-15, which depend on independent claim 9, and claims 22-24, which depend on independent claim 21 are also in condition for allowance by virtue of their dependency on claims 9 and 21 that are urged to be distinct.

Also, with respect to the Examiner's obviousness rejections, Applicant respectfully points the Examiner's attention to the following case law and requests the Examiner to reconsider her rejections. Applicant respectfully submits that the Examiner's rejection for obviousness is improper because there is nothing in the cited prior art references, either singly or in combination, to suggest the desirability of the claimed subject matter. That the construction in a particular prior art reference would have resulted in the claimed combination had it followed the "common practice" of attaching certain parts does not show obviousness at the time of the invention but rather reflects improper hindsight analysis and the reading into the art of Applicant's own teachings.

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*In re Raynes*, 7 F.3d 1037, 1039 (Fed. Cir. 1993):

When determining whether a new combination of known elements would have been obvious in terms of 35 U.S.C. § 103, the analytic focus is upon the state of knowledge at the time the invention was made. The Commissioner bears the burden of showing that such knowledge provided some teaching, suggestion, or motivation to make the particular combination that was made by the applicant. *In re Oetiker*, 977 F.2d 1443, 1445-47, 24 U.S.P.Q.2D (BNA) 1443, 1444-46 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 U.S.P.Q. (BNA) 785, 788 (Fed. Cir. 1984). This determination is made from the viewpoint of the hypothetical person of ordinary skill in the field of the invention. 35 U.S.C. § 103; *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2D (BNA) 1885, 1888 (Fed. Cir. 1991).

*In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986):

"There was no suggestion in the prior art to provide Deminski with the motivation to design the valve assembly so that it would be removable as a unit. The board argues that if Pocock had followed the "common practice" of attaching the valve stem to the valve structure, then the valve assembly would be removable as a unit. The only way the board could have arrived at its conclusion was through hindsight analysis by reading into the art Deminski's own teachings. Hindsight analysis is clearly improper, since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made." 35 U.S.C. § 103 (1982); *In re Spinnoble*, 56 C.C.P.A. 823, 405 F.2d 578, 585, 160 U.S.P.Q. (BNA) 237, 243 (CCPA 1969)."

### CONCLUSION

In light of the facts and arguments presented herein, Applicant respectfully requests reconsideration of the rejected claims. Based on the arguments presented above, Applicant respectfully asserts that claims 1-24 overcome the rejections of record. Therefore Applicant respectfully solicits allowance of these claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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